

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LUIS B. LOPEZ,

Plaintiff,

v.

BRANT CAIN, et al.,

Defendants.

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Case No. 6:22-cv-148-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Luis Lopez, proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

Before the Court is Defendants Brant Cain and Elizabeth Helt's motion for summary judgment. Docket No. 44. On September 19, 2023, Judge Love issued a Report recommending that the Court grant Defendants' summary judgment motion and dismiss Plaintiff's claims against them in their official capacities without prejudice and Plaintiff's claims against them in their individual capacities with prejudice. Docket No. 51. Judge Love further recommended that the Court dismiss Plaintiff's claims against Defendant Lowis with prejudice for failure to state a claim. A copy of this Report was sent to Plaintiff. Docket No. 52. However, no objections have been received.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 51) as the findings of this Court. The Court **GRANTS** Defendants Cain and Helt’s motion for summary judgment (Docket No. 44). Plaintiff’s claims against Defendants Cain and Helt in their official capacities are **DISMISSED** without prejudice and Plaintiff’s claims against Defendants Cain and Helt in their individual capacities are **DISMISSED** with

prejudice. Plaintiff's claims against Defendant Lowis are **DISMISSED** with prejudice for failure to state a claim.

So **ORDERED** and **SIGNED** this **24th** day of **October, 2023**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE